

**RESOLUTION NO. 74416**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A LEASE AGREEMENT WITH THE TECH MUSEUM OF INNOVATION FOR THE USE OF THE ROOF ON PARKSIDE HALL AND TO CONSENT TO THE SUBLEASE OF THE ROOF OF PARKSIDE HALL AND THE TECH MUSEUM TO SOLAR STAR OR SOLAR STAR'S ASSIGNEE FOR A PHOTOVOLTAIC SOLAR GENERATION SYSTEM**

**WHEREAS**, the Tech Museum is a cornerstone attraction within the downtown of San José and has provided special events, exhibits, meeting space, school programs and ongoing opportunities for participation for the community; and

**WHEREAS**, the Tech Museum of Innovation has entered into a 15-year Power Purchase Agreement with Solar Star, LLC ("Solar Star") to purchase electrical energy generated by a solar photovoltaic system to be constructed and installed on the roofs of Parkside Hall and the Tech Museum ("Project"); and

**WHEREAS**, the City Council of the City of San José ("City") desires to enter into a lease agreement with the Tech Museum of Innovation for the use of Parkside Hall's roof, and also give the City's consent to the sublease of Parkside Hall's roof and the Tech Museum's roof to Solar Star for the purpose of constructing, installing, maintaining and operating a photovoltaic solar generation system; and

**WHEREAS**, the method of financing construction of the Project is still being determined, and it may be necessary for financing purposes to transfer the ownership of Solar Star to another entity; and

**WHEREAS**, to facilitate the financing of the Project, the City desires to authorize the consent of the assignment of Solar Star's rights and obligations under the sublease to a third party, if necessary;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The City Manager is authorized to negotiate and execute a lease agreement with the Tech Museum of Innovation for the use of the roof of Parkside Hall for the purpose of constructing, installing, maintaining and operating a photovoltaic solar generation system consistent with the terms outlined in the memorandum to the City Council dated May 12, 2008 as revised by the supplemental memorandum to the City Council dated June 5, 2008, including without limitation, the payment of prevailing wages in connection with the construction and installation of the photovoltaic solar generation system.
2. The City Manager is further authorized to consent to an assignment of the rights and obligations of Solar Star, LLC under the sublease agreement with the Tech Museum of Innovation for the use of the roofs of Parkside Hall and the Tech Museum, to a third party, if necessary, in order to finance the photovoltaic solar generation system, and to execute any documents relating to such consent.

ADOPTED this 10<sup>th</sup> day of June, 2008, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CORTESE, LICCARDO,  
NGUYEN, OLIVERIO, PYLE, WILLIAMS, REED.

NOES: NONE.

ABSENT: CONSTANT.

DISQUALIFIED: NONE.

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk